IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(*Special Original Jurisdiction*)

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MONDAY, THE TWENTY SECOND DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WP.NO.18460 OF 2005

Between:

J. Mangapathi … Petitioner

Versus

The District Collector,

Chittoor,

Chittoor District & Ors. … Respondents

Counsel for the Petitioner: Mr.M.Pratap Singh (6499)

Counsel for the Respondents: GP for Revenue

O R D E R :

Questioning the action of the respondents in not considering the application dated 18-5-2005 submitted by the petitioner seeking to conduct survey for demarcation, sub-division and issuance of pattedar passbook in respect of the land in an extent of Ac:1-50 cents in survey no.22P and an extent of Ac:0-50 cents in survey no.35/1 situate at Daminedu village of Tirupathi Rural Revenue Mandal, Chittoor district, this writ petition is filed.

The facts of the case are that the forefathers of the petitioners have been cultivating the land in an extent of Ac:1-50 cents in survey no.22P and an extent of Ac:0-50 cents in survey no.35/1 situate at Daminedu village of Tirupathi Rural Revenue

Mandal, Chittoor district and it is his ancestral property.

The petitioner submits that after the demise of his forefathers, he was put in possession of the said land. Thereafter, the petitioner has been cultivating the said land by raising various crops.

While things stood thus, in the year 1982 the petitioner filed an application before the Settlement Officer, Nellore seeking to grant Rythwari Patta for the said lands. Ultimately the said file was transferred to the Joint Collector, Chittoor. Thereafter, he appeared before the Joint Collector, Chittoor and stated before him that the said land was purchased by Mr.J.Ramaiah Setty and Mr.Nataru Pedda Siddaiah under a registered sale deed no.2418 dated 22-12-1944 and that Mr.J.Ramaiah Setty is no other than the petitioner's father's elder brother, who sold it to Mr.Purshotham, father of the petitioner under a registered sale deed dated 01-2-1951. After the demise of his father, Mr.Purushotham, the petitioner enclosed all the original registered sale deeds and requested the Joint Collector to issue Rythwari Pattedar Passbook. Thereupon, the Joint Collector, Chittoor, without conducting any enquiry, basing on the report of the third respondent, passed an order dated 14-8-1998 rejecting his application.

Assailing the order dated 14-8-1998 passed by the Joint Collector, Chittoor, the petitioner filed RP.No.64 of 1998 before the Commissioner and Director of Land Administration, Andhra Pradesh, Hyderabad. The said Revision Petition was allowed by the Commissioner and Director of Land Administration, Andhra Pradesh, Hyderabad and consequently the order dated 14-8-1998 passed by the Joint Collector, Chittoor was set aside. Therefore, the petitioner submits that the findings

given by the Commissioner and Director of Land Administration is clear that he is in continuous possession and enjoyment over the said land since from his forefathers.

In pursuance of the orders passed by the Commissioner and Director of Land Administration, AP Hyderabad in RP.No.64 of 1998, the petitioner filed a representation dated 18-5-2005 to the respondents seeking to conduct survey for demarcation, sub-division and issuance of pattedar passbook in respect of the aforesaid land but the respondents did not pass any order on his representation. Therefore, he filed the present writ petition.

Considering the facts and circumstances of the case, without going into the merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the respondents to consider the representation dated 18-5-2005 submitted by the petitioner and pass appropriate order on merits and in accordance with law, within three months, from the date of receipt of a copy of this order, after giving reasonable opportunity of hearing the petitioner.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 22nd, 2005. ----------

I s L. ELIPE DHARMA RAO , J.